

**IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH**

Crl.Misc. No.33750-M of 2007

Date of Decision:- 26.11.2007

Kewal Singh

....Petitioner(s)

through
Mr.P.C.Gupta, Advocate.

vs.

State of Haryana

....Respondent(s)

through
Mr.R.D.Sharma, DAG, Haryana.
Mr.P.S.Rana, Advocate for the
complainant.

CORAM:-HON'BLE MR.JUSTICE SURYA KANT.

- 1) Whether Reporters of the local papers may be allowed to see the judgment?
- 2) To be referred to the Reporters or not?
- 3) Whether the judgment should be reported in the Digest?

SURYA KANT, J. (ORAL)

The prayer in this petition is to modify the order dated 3.4.2007 passed by the learned Judicial Magistrate, Ist Class Kaithal to the extent that the vehicle -Tata Sumo bearing registration No.CH-02-0856 be ordered to be released on Superdari to its “original owner” subject to his furnishing the requisite Superdari besides complying with the other conditions, as also to set aside the order dated 26.4.2007 passed by the learned Additional Sessions Judge, Kaithal whereby the revision petition preferred by the petitioner against the above-stated order of the learned Judicial Magistrate, has been dismissed.

As may be noticed, the controversy pertains to the release of vehicle Tata Sumo bearing registration No.CH-02-0856 on Superdari. The above-stated vehicle is a case property in a case arising out of F.I.R.No.281

dated 23.10.2006 under Sections 279, 337, 304-A IPC, registered at Police Station Pundri, District Kaithal.

Admittedly, respondent No.2 Vijay Kumar son of Harbans Lal, is the registered owner of the vehicle in dispute. Upon notice of motion, his learned counsel, however, states at the Bar that the above-stated vehicle had been sold by respondent No.2 to one Karambir son of Swaran Singh. The said Karambir had further sold the above-stated vehicle to one Satish Kumar son of Faquir Chand followed by the said Satish Kumar to one Nichhabar Singh son of Gurmukh Singh.

The petitioner is alleged to have further purchased the above-stated vehicle from Nichhabar Singh. The above-noticed subsequent transactions appear to have taken place on the basis of 'agreements to sell' only and/or the supporting affidavits and respondent No.2 still continues to be its 'registered owner' in the records.

Learned counsel for respondent No.2 i.e. the registered owner further states at the Bar that he has no objection if the vehicle is released on Superdari to the petitioner. The documents on record also suggest that previously, this vehicle was the case property in F.I.R.No.24 dated 28.3.2006 registered at P.S.Babain and at that time also, it was released on Superdari in favour of the petitioner.

Consequently and for the reasons aforesated, this petition is allowed to the extent that the impugned order dated 26.4.2007 is set aside and the order dated 32.4.2007 passed by the learned Judicial Magistrate Ist Class, Kaithal is modified to the extent that the vehicle in question shall be released on Superdari to the petitioner subject to however, fulfilling all

those conditions which are imposed by the learned Judicial Magistrate, Ist Class vide his aforementioned order dated 3.4.2007.

Let a copy of this order be given Dasti to learned counsel for the petitioner on payment of usual charges.

November 26, 2007
poonam

(SURYA KANT)
JUDGE